

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MELISSA BARGE,
Plaintiff,

v.

KEN BETT'S TOWING COMPANY,
Defendant.

Case No. 21-cv-02558-TLT

**ORDER TO SHOW CAUSE FOR
FAILURE TO MOVE FOR ENTRY
OF DEFAULT OR OTHERWISE
PROSECUTE THIS CASE**

On July 6, 2021, Plaintiff filed a first amended complaint. *See* ECF 9. On December 21, 2021, the Court dismissed (1) all of Plaintiff's claims against the Alameda Police Department and the City of Alameda, (2) the Fourth Amendment claim against Officer Hurwitz to the extent it is based on excessive force and all the state law claims asserted against Officer Hurwitz, and (3) the Fifth Amendment claim asserted against Ken Bett's Towing. *See* ECF 16. Plaintiff was given leave to amend and was ordered to file a second amended complaint within 28 days of the December 21, 2021, Order. However, to date, Plaintiff has not filed a second amended complaint.

On July 17, 2022, the Court dismissed Defendants Marc Horwitz, the Alameda Police Department, and the City of Alameda under Federal Rule of Civil Procedure 4(m) for failure to effect timely service. *See* ECF 21. The remaining Defendant, Ken Bett's Towing, was served on July 19, 2022. *See* ECF 22. Defendant Ken Bett's Towing has not filed a responsive pleading to the first amended complaint or otherwise appeared in this case.

Plaintiff is hereby **ORDERED** to show cause in writing on or before November 4, 2022, why the Court should not dismiss Plaintiff's complaint for failure to prosecute. Alternatively, Plaintiff may respond to this order to show cause by filing a motion for entry of default by November 4, 2022. If Plaintiff fails to file the motion by that date or otherwise fails to justify the


1 failure to prosecute this case, the Court will dismiss this case for failure to prosecute. The Court
2 further **ORDERS** service of Plaintiff's motion for entry of default or her response to the order to
3 show cause on Defendant Ken Bett's Towing.

4 The Court further advises Plaintiff that the District Court has produced a guide for self-
5 represented/*pro se* litigants called Representing Yourself in Federal Court: A Handbook for *Pro Se*
6 Litigants, which provides instructions on how to proceed at every stage of a case, including
7 discovery, motions, and trial. It is available electronically online.

8 The Court also advises Plaintiff that assistance is available through the Legal Help Center.
9 Parties can make an appointment to speak with an attorney who can provide basic legal
10 information and assistance. The Help Center does not see people on a "drop-in" basis and will not
11 be able to represent parties in their cases. There is no charge for this service. The Help Center's
12 website is available at <https://cand.uscourts.gov/legal-help>.

13 **IT IS SO ORDERED.**

14 Dated: October 13, 2022


15 TRINA L. THOMPSON
16 United States District Judge
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